

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

7/20/2016 Defense Motions to Suppress and other pretrial motions

8/19/2016 Government Response Motions to Suppress and other pretrial motions

9/9/2016 Defense Reply Motion to Suppress and pretrial motions

9/11/2016 Deadline for Defense Rule 16 (b)(1)(A-C) Defense disclosures

10/6/2016 All Rebuttal Expert Disclosure, from Any Party

10/31/2016 All Other Pretrial Motions, Including Daubert Motions and Motions in Limine (except motions related to Jencks disclosures)

11/29/2016 Government Disclosure of all Jencks Act material, inclusive of all witness statements, FD-302s, and Grand Jury testimony for all witnesses including law enforcement witnesses (unless relevant to pre-trial evidentiary issues)

12/2/2016 Defense Motions related to Gang Discovery and *Brady* evidence Related to Jail Informant C.B.

12/9/2016 Defense Motions related to *Jencks* disclosures; Motions in Limine related to gang enterprise evidence and Co-Conspirator hearsay and Request for James Hearing

12/9/2016 Government Response Motions related to Gang Discovery and *Brady* evidence Related to Jail Informant C.B.

12/16/2016 Government Response Motions related to *Jencks* disclosures; Motions in Limine related to gang enterprise evidence and Co-Conspirator hearsay and Request for James Hearing

12/19/2016 Motion Hearing - All pending motions at issue

1/17/2017 Jury Trial

Pre-Trial Delivery of Required Submissions:

- The government shall file and serve on opposing counsel at least five working days before the first day scheduled for trial, as appropriate, all proposed jury instructions, trial briefs, suggested verdict forms, proposed findings of fact and conclusions of law, and witness lists. The procedure for the submission of exhibits is set forth below.
- The defendant is encouraged also to submit to Senior Judge Bataillon's chambers at least five working days before trial proposed jury instructions, a trial brief, discovery material to be used at trial, and an exhibit notebook. Any materials so submitted shall not be disclosed to the government unless the defendant specifies otherwise.
- A party's witness list must include the full name and address of each witness whom the party may call to testify at trial. The address of each Government witness shall not be distributed or communicated to any individual other than defense counsel or the defense investigators.
- Parties are encouraged to submit proposed jury instructions on disk.

Exhibits:

- All exhibits must be pre-marked with stickers that indicate whether the government or the defendant is offering the exhibit.
- The government's exhibits shall begin with the number "1" and shall be numbered consecutively. If the government's last exhibit is a two-digit number (e.g., "34"), the defendant's first exhibit number shall be "100." If the government's last exhibit number is a three-digit number, the defendant's first exhibit number shall be a three-digit number rounded up to the next hundred. Thus, if the government's last exhibit number is "134," the defendant's first exhibit number would be "200."

- Exhibits must be listed before trial on exhibit forms available from the Clerk's office or on our web page at [www.ned.uscourts.gov](http://www.ned.uscourts.gov) (Forms). [In this case the address of each witness shall not be distributed or communicated to any individual other than defense counsel or the defense investigators].
- The courtroom deputy will take custody of the exhibits after they are received by the court.
- Parties must deliver to Senior Judge Bataillon's chambers at least five working days before the first day scheduled for trial copies of all exhibits in a three-ring binder organized for use by dividers or tabs.
- Paragraphs 7 through 11 of the Order Setting Case for Trial entered April 25, 2016, Filing #191, shall remain in force and effect. This order supersedes any local rule of court or any order on final pretrial conference entered in these actions.

IT IS ORDERED:

1. The parties' Joint Motion for Fifth Revised Scheduling Order (Filing No. 256) is granted
2. No date set by this Order can be changed except for good cause and upon written Order of this Court prior to the date scheduled.

DATED this 1st day of December, 2016.

BY THE COURT:

s/ F.A. Gossett  
United States Magistrate Judge